

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MANHAR P. RAMA, MAHESH KISAN,)
and JAYESH D. PATEL,)
)
Plaintiffs,) Case No. 3:22-cv-00899
)
v.) Judge Aleta A. Trauger
)
ZYGOR ENERGY, INC. INDER JEET)
SHARMA, and RAMA SHARMA,)
)
Defendants.)

DENIAL OF REQUEST FOR ENTRY OF DEFAULT

Pending is Plaintiffs' Motion for Entry of Default against Defendants Zygor Energy, Inc., Inder Jeet Sharma, and Rama Sharma. (Doc. No. 14). For the following reasons, the Motion is **DENIED**.

Plaintiffs filed this action on November 7, 2022. (Doc. No. 1). On December 20, 2022, Plaintiffs returned the Summons and Proof of Service declarations executed by process server Jean Jimenez. (Doc. Nos. 9 - 11). On February 7, 2023, Plaintiffs filed the pending Motion for Entry of Default. (Doc. No. 14). On March 10, 2023, counsel entered an appearance on behalf of all defendants. (Doc. No. 16). On March 22, 2023, all defendants filed Answers to the Complaint. (Doc. Nos. 17 – 19).

“Where a defendant appears and indicates a desire to contest an action, a court may exercise its discretion to refuse to enter default . . . There is a strong public policy, supported by concepts of fundamental fairness, in favor of trial on the merits.” *Higgins v. Dankiw*, No. 8:08CV15, 2008 WL 2565110, at *2 (D. Neb. June 24, 2008) (internal citations omitted). By filing Answers to the

Complaint, the Defendants have expressed their clear intent to defend this action. Accordingly, Plaintiffs' Motion for Entry of Default (Doc. No. 14) is **DENIED**.

s/ Lynda M. Hill

Lynda M. Hill
Clerk of Court